

**DISCUSSION DRAFT ONLY—
NOT A FINAL DOCUMENT**

Application No.: 09/904,974

Applicant: Mark C. Moore

Primary Examiner: Gary S. Hartmann

Art Unit: 3671

REMARKS

The Examiner has rejected Claims 1 and 2 as failing to comply with the written description requirement. Accordingly, Paragraph 11 of the Specification, is now amended to avoid that deficiency.

It will be apparent that the originally submitted Drawing and Description clearly implied that the vibratory drive motion for both the screed blade and perforated driller is imparted from vehicle 10 through boom 16. That is now expressly stated in the amended version of Paragraph 11. Reference is also made to the Somero Patent No. 4,655,633 of 1987, which disclosed a vehicle with a boom imparting vibratory motion to a screed blade.

The Examiner had also rejected Claims 1 and 2 as being unpatentable over the Erickson U.S. Patent 2, 915, 839. It should be noted that not only does Claim 1, line 3 thereof, refer to providing "a flat finish surface", but in lines 6, 7 and 8, the Claim also refers to "in order to assist in the settling and leveling of the surface portion of the concrete". In Claim 1, the wordage "surface portion of the concrete" means something other than "the flat finish surface".

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Thus, as described in Paragraph 19 of the Specification, the perforated drum or roller 26 has sufficient weight to cause some portion of the soupy concrete mixture to pass through the holes or perforations 28, but the weight of the drum or roller is not so great as to depress pebbles below the concrete surface to an unnecessary degree. As stated in the culminating sentence of Paragraph 19, the pebbles are pushed far enough downwards within the concrete mix to avoid having them rise to and alter the finish surface.

FURTHER COMMENTS TO EXAMINER HARTMAN

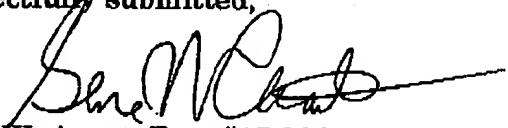
With the Amendment we propose to submit formal drawings, enclose a copy of the Somera et al patent, and also submit a Declaration of Applicant regarding commercial success of the invention.

Response from the Examiner to this informal communication is respectfully requested.

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PO Box 269
Lincoln City, OR 97367
Tel: (541) 557-1716
Fax: (541) 557-1722
E-mail: gwapat@wcn.net

Respectfully submitted,


Gene W. Arant, Reg. #17,936
Attorney for the Applicant